

REMARKS

Claims 1-34 are currently pending in the subject application and are presently under consideration. Claims 1, 11, 21, 27, 30, 32 and 34 have been amended as shown on pp. 2, 4 and 6-10 of the Reply.

Claims 1, 11, 21, 27, 30 and 32 have been amended to further distinguish the claims from the cited references. Support for the amended claim language can be found in the specification at paragraphs [0036] and [0089].

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-3, 7-9, 11-13, 17-19, 21-25, 27, and 34 Under 35 U.S.C. §103(a)

Claims 1-3, 7-9, 11-13, 17-19, 21-25, 27, and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,560,239, issued to Frid et al. (hereinafter, the Frid patent), in view of United States Patent No. 7,027,814, issued to Koivupuro et al. (hereinafter, the Koivupuro patent).

Applicant respectfully presents the following arguments that distinguish the teachings of the cited references from the claimed subject matter.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j).

Neither the Frid Patent nor the Koivupuro Patent Teach or Suggest Configuring a Filtering Mechanism to Allow for One or More Message Format Types Associated with Messages from a Second Network to be Communicated Through the First Air Interface and Receiving a Message from the Second Network, If a Message Format Type of the Message is One of the One or More Message Format Types Configured to be Allowed to be Communicated Through the First Air Interface.

In order for a claim to be unpatentable over a combination of two teachings, the combined prior art references must describe, either expressly or inherently, each and every element as set forth in the claim.

Claim 1 has been amended to recite a method for wireless communications. The method includes, *inter alia*.,

“...configuring a filtering mechanism to allow for one or more message format types associated with messages from a second network to be communicated through the first air interface, ...; and

receiving a message from the second network through the first air interface, if a message format type of the message is one of the one or more message format types configured to be allowed to be communicated through the first air interface.”

Thus, claim 1 has been amended to recite that a filtering mechanism be configured to allow for at least one message format type associated with messages from a second network to be communicated through the first air interface and that the wireless device, otherwise referred to as a subscriber station, receive a message from the second network through the first air interface, if the message format type of the message is one of the one or more message format types configured to be allowed to be communicated through the first air interface.

Support for the amendment to claim 1 can be found in the specification at paragraph [0036], which states “The subscriber station 104 may configure a filtering mechanism that allows only certain types of pages associated with circuit-switched services to be sent through the IS-856 air interface. By way of example, the subscriber station 104 may request to receive voice

pages, but not pages associated with short message services (SMS) while it is tuned to the operating frequency assigned to packet-switched communications.

The combination of these amended features is not described nor suggested by either the Frid patent or the Koivupuro patent. As acknowledged by the Patent Office in the June 4, 2008 Office Action (page 4, lines 15-16), “Frid discloses differentiating between voice and data communication, as well as various protocols used for communication but does not explicitly disclose a filtering mechanism capable of determining a format type of a received message.”

Further, the Applicant asserts that the Koivupuro patent provides no teaching or suggestion of configuring a filtering mechanism to allow for at least one message format types associated with messages from a second network to be communicated through the first air interface and receiving a message from the second network through the first air interface, if a message format type of the message is one of the message format types configured to be allowed to be communicated through the first air interface.

The Koivupuro patent is limited to a teaching of determining message format type for the purpose of determining if a format type has reached a maximum number of current calls for that particular format type. Specifically, referring to Figure 2B of the Koivupuro patent and the discussion at column 5, lines 36-41, which states, “In step 22, the call type is determined (voices, data or fax). In step 23, the current number N for this call type is compared with the current upper limit NMAX of the same call type. If N=NMAX for this call type (*i.e.*, the upper limit has already been reached), the call will be rejected in step 27.” To understand the limited teaching of the Koivupuro patent it is important to understand the purpose of the invention in the Koivupuro patent. According to the Koivupuro patent at column 1, lines 43-50, “An object of the invention is to provide mechanisms for supporting such multicalls. The user of the mobile station should be able to receive incoming calls independently of outgoing calls and place new outgoing calls independently of incoming calls. To a certain extent, these requirements interfere or conflict with certain well established procedures for supplemental services in existing systems. Moreover, as taught by the Koivupuro patent, at column 1, line 67 – column 2, line 4, “In 3G systems, the RNC has typically an Admission Control function allocating a certain

amount of data rate for each simultaneous call until the maximum data rate of the radio interface is reached.’ Thus, in the Koivupuro patent by limiting the number of simultaneous calls by format type, the invention provides for controlling the number and type of calls simultaneously provided over the radio interface to provide better overall management of multiple, independent, simultaneous calls between a telecommunications network and a subscriber terminal.

In contrast, claim 1 recites configuring a filter mechanism to allow one or more format types associated with a second network to be communicated through a first air interface that is not associated with the first network. Thus, while the Koivupuro teaches filtering for format type, the patent does not teach or suggest filtering for format type to allow one or more format types associated with a second network to be communicated through a first air interface that is not associated with the first network. The filtering or, more specifically, the determination of format type employed by the Koivupuro patent is used to limit the number of format type that may be communicated at any point in time. In this regard, the determination of format type is not used to prohibit the communication of a message and, more specifically, a message associated with another network communicated through an air interface that is not associated with the first network.

In further contrast, and equally important in distinguishing the Koivupuro teachings from the present claims, claim 1 recites receiving the message from the second network through the first air interface, only *if the format type of the message is one that has been configured to allow for communication through the first air interface* (emphasis added to show distinguishing characteristic). The Koivupuro patent does not teach or suggest such, since the determination of format type is not implemented to bar or forbid a format type from being received but rather to limit the number of messages of that format type from being concurrently communicated (*i.e.*, either outgoing or incoming calls).

Therefore, neither the Frid patent nor the Koivupuro patent teach or suggest configuring a filtering mechanism to allow for one or more message format types associated with messages from a second network to be communicated through the first air interface, Further, neither the Frid or Koivupuro patent teach or suggest receiving a message from the second network, if a

message format type of the message is one of the one or more message format types configured to be allowed to be communicated through the first air interface.

Additionally, the Examiner has not provided any other rationale explaining how the prior art would teach or suggest the recited subject matter.

Thus, claim 1 is believed to be allowable over and not unpatentable over the combined teachings of the prior art, in particular the Frid patent and the Koivupuro patent, at least for the reason that the prior art, in particular the Frid patent and the Koivupuro patent, fail to describe, either expressly or inherently, each and every element set forth in the claim.

Claim 11 has been amended to recite features similar to those described above in relation to claim 1, specifically claim 11 has been amended to include:

“...a filtering mechanism configured to allow one or more message format types associated with messages from a second network to be communicated through the first air interface, the second network being associated with a second air interface different from the first air interface and operating on a second carrier frequency different from the first carrier frequency; and

a processor configured to detect from the recovered information a message from the second network, if the filtering mechanism is configured to allow a message format type of the message to be communicated through the first air interface.”

Thus, it is believed that claim 11 is allowable over the combined Frid patent and Koivupuro patent for the reasons discussed above in relation to claim 1.

Claim 21 has been amended to recite features similar to those described above in relation to claim 1, specifically claim 21 has been amended to include:

“...means for allowing one or more message format types associated with messages from a second network to be communicated through the first air interface, the second network being

associated with a second air interface different from the first air interface and operating on a second carrier frequency different from the first carrier frequency; and

means for detecting from the recovered information a message from the second network, if the filtering mechanism is configured to allow a message format type of the message to be communicated through the first air interface.”

Thus, it is believed that claim 21 is allowable over the combined Frid patent and Koivupuro patent for the reasons discussed above in relation to claim 1.

Claim 27 has been amended to recite features similar to those described above in relation to claim 1, specifically claim 27 has been amended to include:

“...transmitting a message from a second network over the air from the access network to the subscriber station through the first air interface, if the subscriber station is configured to allow for receiving a message format type associated with the message through the first air interface, the second network being associated with a second air interface different from the first air interface and operating on a second carrier frequency different from the first carrier frequency.”

Thus, it is believed that claim 27 is allowable over the combined Frid patent and Koivupuro patent for the reasons discussed above in relation to claim 1.

Claim 34 has been amended to recite features similar to those described above in relation to claim 1, specifically claim 34 has been amended to include:

“...code for configuring a filtering mechanism to allow for one or more message format types associated with messages from a second network to be communicated through the first air interface, the second network being associated with a second air interface different from the first air interface and operating on a second carrier frequency different from the first carrier frequency; and

code for receiving a message from the second network through the first air interface, if a message format type of the message is one of the one or more message format types configured to be allowed to be communicated through the first air interface.”

Thus, it is believed that claim 34 is allowable over the combined Frid patent and Koivupuro patent for the reasons discussed above in relation to claim 1.

Neither the Frid nor Koivupuro Patent Teach or Suggest a Second Network being Associated with a Second Air Interface Different from the First Air Interface and Operating on a Second carrier Frequency Different from the First Carrier Frequency

Claim 1 recites a method for wireless communication and includes, *inter alia*;

“...a filtering mechanism configured to allow one or more message format types associated with messages from a second network to be communicated through the first air interface, *the second network being associated with a second air interface different from the first air interface and operating on a second carrier frequency different from the first carrier frequency...*”

Thus, claim 1 recites that the second network be associated with a second air interface different from the first air interface and operating on a second carrier frequency different from the first carrier frequency.

In the 04 June 2008 Office Action, the Patent Office relies on the Frid patent for a teaching of a first air interface for a first network comprising a first carrier frequency and a second air interface for a second network comprising a second carrier frequency. However, the Office Action cites Frid at column 1 line 67 – column 2, line 5 which is part of the Background of the Invention and states as follows:

“Maintaining both the packet-switched data connection and the circuit switched voice call at the same time requires a complicated and costly cellular phone that can operate (e.g. transmit/receive) on two channels (and probably two separate frequencies) simultaneously.”

Thus, based on the discussion in the background section the Frid patent views operating on two channels and two separate frequencies as a costly and complicated problem that Frid seeks to overcome by their invention/teachings. For this reason, Frid proposes and teaches methods, systems and the like that are limited to a single air interface operating on a single frequency.

Furthering the argument that Frid is limited to a teaching of a single air interface, the Applicant refers to the Frid patent at column 5, lines 12-18, which states, “in the PDC, ...the uplink UPOCH is a random access type and is exemplary of a packet-switched data connection 150. The circuit switched connection 160, on the other hand, is exemplified by at least the Traffic Channel (TCH).” Moreover, in describing Figure 3, Frid states at column 6, lines 7-13, “the packet switched PDC network portion 350 corresponds to the packet-switched data connection (e.g., a communication via the UPOCH of the PDC). The circuit-switched PDC network portion 360 corresponds to the circuit-switched connection 160 (e.g., a communication via the TCH of the PDC).” Thus, it is apparent that in the teachings of the Frid patent the MS/DTE communicates through a single air interface (PDC) for both packet-switched data connection 150 and circuit-switched data connection 160, which corresponds to different channels on the same air interface. Since Frid views operating on two channels and two separate frequencies as a problem, Frid has limited teachings to a single air interface. As such, Frid does not teach or disclose the second network be associated with a second air interface different from the first air interface and operating on a second carrier frequency different from the first carrier frequency.

Applicant fails to appreciate how the problem that Frid seeks to resolve – costly and complicated operation on two channels and two separate frequencies is taught or suggest in the context of the invention taught and described in relation to Frid. While the Frid patent views two channel and two separate frequencies as a problem and seeks a solution that is void of two

channels and/or two separate frequencies, the recited subject matter overcomes any problems related to a costly or complicated solution by devising the use of a hybrid protocol to allow for receiving a message from the second network through the first air interface, while the second network is associated with a second air interface different from the first air interface and operating on a second carrier frequency different from the first carrier frequency.

Further, the Koivupuro patent does not teach or suggest sending a message from a second network through a first air interface, the second network associated with a second air interface different from the first air interface and operating on a second carrier frequency different from the first carrier frequency. The Koivupuro patent discloses a system for limiting the number of simultaneous calls according to format type that a wireless device may make (*i.e.*, outgoing) or receive (*i.e.* incoming). However, the Koivupuro patent neither teaches nor suggests two networks, such that each network is associated with its own air interface that operates on its own carrier frequency.

Independent claims 11, 21, 27 and 34 all include recite features similar to those described above in relation to claim 1, specifically that the second network be associated with a second air interface different from the first air interface and operating on a second carrier frequency different from the first carrier frequency.

Applicant respectfully requests reconsideration of claims 1, 11, 21, 27 and 34, withdrawal of the rejection, and allowance of the claims.

Claims 2, 3, 7-9, 12, 13, 17-19, and 22-25 depend, either directly or indirectly, from claims 1, 11, and 21, respectively and are believed to be allowable at least for the reason that they depend from an allowable base claim. Applicant respectfully requests reconsideration of claims 2, 3, 7-9, 12, 13, 17-19 and 22-25, withdrawal of the rejections and allowance of the claims.

II. Rejection of Claims 30-33 Under 35 U.S.C. §103(a)

Claims 30-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent Publication No. 2002/0145087, published in the name of Carlsson et al. (hereinafter, the Carlsson publication) in view of the Koivupuro patent.

Applicant respectfully presents the following arguments that distinguish the teachings of the cited references from the claimed subject matter.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP §706.02(j).

Neither the Carlsson Publication nor the Koivupuro Patent Teach or Suggest Configuring a Filtering Mechanism to Allow for One or More Message Format Types Associated with Messages from a Second Network to be Communicated Through the First Air Interface and Receiving a Message from the Second Network, If a Message Format Type of the Message is One of the One or More Message Format Types Configured to be Allowed to be Communicated Through the First Air Interface.

In order for a claim to be unpatentable over a combination of two teachings, the combined prior art references must describe, either expressly or inherently, each and every element as set forth in the claim.

Claim 30 has been amended to recite a method for wireless communications. The method includes, *inter alia*.,

“...configuring a filtering mechanism at the subscriber station to allow one or more message format types associated with messages from a packet-switched network to be communicated through the first air interface; and

receiving a message from the packet-switched network through the first air interface, if the subscriber station is configured to allow for receiving a message format type associated with the message through the first air interface.”

Claim 32 has been amended to recite a method for wireless communications. The method includes, *inter alia*,

“...configuring a filtering mechanism at the subscriber station to allow one or more message format types associated with messages from a circuit-switched network to be communicated through the first air interface; and

receiving a message from the circuit-switched network through the first ~~second~~ air interface, if the subscriber station is configured to allow for receiving a message format type associated with the message through the second air interface.”

Support for these amendment can be found in the specification at paragraphs [0036] and [0089].

As described above in relation to Claim 1, the Koivupuro patent does not teach or suggest configuring a filter mechanism at the subscriber station to allow one or more message format types associated with messages from the packet-switched or circuit-switched network to be communicated through the first air interface. Moreover, the Koivupuro patent does not teach or suggest receiving a message from the packet-switched network or circuit-switched network over the first air interface, only if the subscriber station is configured to allow for receiving a message format type associated with the packet-switched or circuit-switched message through the first air interface.

The Carlsson publication teaches a wireless network architecture providing mobile terminal access to packet-switched and circuit-switched networks through respective access

networks. According to Carlsson the mobile terminals communicate with the packet-switched and circuit switched networks through respective base stations that include corresponding base station controllers. Further, the calls and signaling to and from the mobile terminals, including circuit-switched signaling over a packet control channel or packet data service established through circuit-switched access, are tunneled between the respective access base stations/base station controllers when the mobile is moving from one base station cell to another.

However, as taught by Carlsson, providing a mobile terminal with circuit-switched and/or packet switched data services does not teach or suggest configuring a filter mechanism in the mobile terminal to allow for one or more format types of messages associated with the packet-switched or circuit-switched network to be communicated through a first air interface. Moreover, the Carlsson teachings do not teach or suggest receiving a message from the packet-switched network or circuit-switched network through the first air interface, only if the filtering mechanism is configured to allow for such message types.

Additionally, the Examiner has not provided any other rationale explaining how the prior art would teach or suggest the recited subject matter.

Thus, claims 30 and 32 are believed to be allowable over and not unpatentable over the combined teachings of the Carlsson publication and the Koivupuro patent at least for the reason that the Carlsson publication and the Frid patent fail to describe, either expressly or inherently, each and every element set forth in the claim.

Applicant respectfully requests reconsideration of claims 30 and 32, withdrawal of the rejection, and allowance of the claim.

Claims 31 and 33 depend, directly, from claims 30 and 32, respectively and are believed to be allowable at least for the reason that they depend from an allowable base claim. Applicant respectfully requests reconsideration of claims 31 and 33, withdrawal of the rejections and allowance of the claims.

III. Rejection of Claims 4-6, 10, 14-16, 20, 26, 28, and 29 Under 35 U.S.C. §103(a)

Claims 4-6, 10, 14-16, 20, 26, 28, and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Frid patent and the Koivupuro patent, as applied to claims 1, 2, 11, 12, and 27, and further in view of the Carlsson publication.

Claims 4-6 and 10 depend either directly or indirectly, from claim 1 and are believed to be allowable at least for the reason that they depend from an allowable base claim. Applicant respectfully requests reconsideration of claims 4-6 and 10, withdrawal of the rejections and allowance of the claims.

Claims 14-16 and 20 depend either directly or indirectly, from claim 11 and are believed to be allowable at least for the reason that they depend from an allowable base claim. Applicant respectfully requests reconsideration of claims 14-16 and 20, withdrawal of the rejections and allowance of the claims.

Claim 26 depends directly from claim 21 and is believed to be allowable at least for the reason that it depends from an allowable base claim. Applicant respectfully requests reconsideration of claim 26, withdrawal of the rejections and allowance of the claim.

Claims 28 and 29 depend either directly or indirectly, from claim 27 and are believed to be allowable at least for the reason that they depend from an allowable base claim. Applicant respectfully requests reconsideration of claims 28 and 29, withdrawal of the rejections and allowance of the claims.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

Date: September 2, 2008

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